

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JOE HAND PROMOTIONS, INC.,

Plaintiff,

v.

KINGS POINT RESTAURANT, INC. d/b/a GOOD
COMPANY TAVERN and JEFF V. SEIDMAN
a/k/a JEFF VONSEIDMAN,

Defendants.

MEMORANDUM & ORDER
17-CV-1870 (MKB) (CLP)

MARGO K. BRODIE, United States District Judge:

Plaintiff Joe Hand Promotions, Inc. commenced the above-captioned action against Defendants Kings Point Restaurant, Inc., doing business as Good Company Tavern, and Jeff V. Seidman, also known as Jeff Vonseidman, on April 3, 2017, alleging violations of the Communications Act of 1934, 47 U.S.C. §§ 553 and 605. (Compl., Docket Entry No. 1.) Plaintiff served the Summons and Complaint on Defendants. (Summons Returned Executed, Docket Entry No. 7.) Defendants failed to answer the Summons and Complaint and on May 23, 2017, Plaintiff moved for entry of default. (Request for Certificate of Default, Docket Entry No. 8). On June 8, 2017, the Clerk of Court entered a default against Defendants, (Clerk's Entry of Default, Docket Entry No. 10), and on July 19, 2017, Plaintiff moved for a default judgment, (Pl. Mot. for Default J., Docket Entry No. 11). On July 21, 2017, the Court referred the motion to Magistrate Judge Cheryl L. Pollak for a report and recommendation. (Order dated July 21, 2017.) By report and recommendation dated November 2, 2017 ("R&R"), Judge Pollak recommended that the Court grant Plaintiff's motion for default judgment and award Plaintiff

\$1155 in statutory damages, \$3000 in enhanced damages, and \$400 in costs, for a total of \$4555. (R&R 1–2, Docket Entry No. 13.) No party has objected to the R&R.

A district court reviewing a magistrate judge’s recommended ruling “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). “Failure to object to a magistrate judge’s report and recommendation within the prescribed time limit ‘may operate as a waiver of any further judicial review of the decision, as long as the parties receive clear notice of the consequences of their failure to object.’” *Sepe v. N.Y. State Ins. Fund*, 466 F. App’x 49, 50 (2d Cir. 2012) (quoting *United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997)); *see also Almonte v. Suffolk Cty.*, 531 F. App’x 107, 109 (2d Cir. 2013) (“As a rule, a party’s failure to object to any purported error or omission in a magistrate judge’s report waives further judicial review of the point.” (quoting *Cephas v. Nash*, 328 F.3d 98, 107 (2d Cir. 2003))); *Wagner & Wagner, LLP v. Atkinson, Haskins, Nellis, Brittingham, Gladd & Carwile, P.C.*, 596 F.3d 84, 92 (2d Cir. 2010) (“[A] party waives appellate review of a decision in a magistrate judge’s report and recommendation if the party fails to file timely objections designating the particular issue.” (citations omitted)).

The Court has reviewed the unopposed R&R and, finding no clear error, the Court adopts the R&R in its entirety pursuant to 28 U.S.C. § 636(b)(1). The Court grants Plaintiff's motion for default judgment jointly and severally against Defendants Kings Point Restaurant, Inc., doing business as Good Company Tavern, and Jeff V. Seidman, also known as Jeff Vonseidman. The Clerk of Court is directed to enter judgment in the amount of \$4555 in favor of Plaintiff jointly and severally against Kings Point Restaurant, Inc., doing business as Good Company Tavern, and Jeff V. Seidman, also known as Jeff Vonseidman.

SO ORDERED:

s/ MKB
MARGO K. BRODIE
United States District Judge

Dated: December 27, 2017
Brooklyn, New York